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52

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,547	12/22/2000	Christopher N. Japp	GEMS:0121/yod 15-EC-5772	2102
7590	04/29/2005		EXAMINER	
Patrick S. Yoder Suite 330 7915 FM 1960 West Houston, TX 77070			CHOJNACKI, MELLISSA M	
			ART UNIT	PAPER NUMBER
			2164	

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/747,547

Applicant(s)

JAPP ET AL.

Examiner

Melissa M. Chojnacki

Art Unit

2164

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 April 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

NO AMENDMENTS
SL

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☒ Other: See Continuation Sheet.

[Signature]
SAM RIMELL
PRIMARY EXAMINER

Continuation of 13. Other: In response to applicants' arguments regarding independent claim 1, that Killcommons et al., does not teach "the medical locator system configured for multiple modalities". Dunworth et al. teaches locating/browsing for information based on geography (See abstract; column 2, lines 49-52). Killcommons et al. teaches medical information derived from many medical modalities in different locations, which can be sent and view via email or web (See abstract; column 49-53; column 2, lines 29-31). Combining Dunworth et al. with Killcommons et al. would not only allow locating/browsing medical information based on geography but the system can be specifically be used to located specific medical modalities in different geographical locations for sending or receiving medical resource information. Combining both references also allows the Dunworth et al. reference be more specific in the type of information being looked for based on geographical information.

In response to applicants' arguments regarding independent claims 16 and 29 that neither reference teaches, "a locator system configured for locating a desired medical resource". Dunworth et al. teaches locating/browsing for information based on geography/location, information such as a hospital and Killcommons et al. teaches medical modalities sending and receiving information via the Internet or email. Combining the two references would allow to locating/browsing different medical modality information because Dunworth et al. discloses accessing information based on geography and killcommons et al. specifically narrows the type of different medical modality information being sent and received via the Internet.

In response to applicants' arguments regarding independent claims 38 that neither reference discloses "searching a medical locator database for the at least one medical resource". Examiner respectfully disagrees. Killcommons et al. teaches receiving/sending medical information derived from different modalities from different locations and combined with Dunworth et al., who teaches locating/browsing information based on geography/location, would teach "searching a medical locator database for the at least one medical resource".

In response to applicants' arguments regarding dependent claims 6, 21-22 and 39 that neither reference discloses "a selection from a plurality of medical resources comprising multiple modalities", Examiner respectfully disagrees. Dunworth et al., teaches a selection of information based upon geography (See fig. 10 and 18) and Killcommons et al. discloses the specific types of medical modalities, combining the two would make Dunworth et al. geographic access system with topical information specify the type of medical modalities to locate.

In response to applicants' arguments regarding dependent claim 21, which recites " wherein the map system is remote from the resource locator system", applicant respectfully disagrees. Dunworth et al. not only teaches a geographical map when selecting the area to be searched, Dunworth et al. also discloses a button field where a user can hyper-link to another URL document such as directions or a map (See Fig. 19; column 25, lines 42-57).